

HOUSE GOVERNMENT AND URBAN AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 449

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO PUBLIC RECORDS; PROVIDING FOR COMPUTER DATABASE
INFORMATION OF COUNTIES AND MUNICIPALITIES AS PUBLIC RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 14-3-18 NMSA 1978 (being Laws 1963,
Chapter 186, Section 2, as amended) is amended to read:

"14-3-18. COUNTY AND MUNICIPAL RECORDS--GEOGRAPHIC
INFORMATION SYSTEM--COMPUTER DATABASES--COPY FEES--CRIMINAL
PENALTY.--

A. The administrator may advise and assist county
and municipal officials in the formulation of programs for the
disposition of public records maintained in county and
municipal offices.

B. Notwithstanding the provisions of Paragraph (2)
of Subsection E of this section, a county or municipality may

1 charge a reasonable fee, as adopted by ordinance of the
2 respective board of county commissioners or governing body of a
3 municipality pursuant to the Open Meetings Act, for use of a
4 document or product generated by a geographic information
5 system.

6 C. Except as otherwise provided by federal or state
7 law, information contained in a computer database shall be a
8 public record and shall be subject to disclosure in printed or
9 typed format by a county or municipality that has inserted that
10 information into the database, in accordance with the Public
11 Records Act.

12 D. The administrator may advise and assist county
13 and municipal officials with the procedures, schedules and
14 technical standards for the retention of computer databases.

15 E. A county or municipality that has inserted data
16 in a computer database may authorize an electronic copy to be
17 made of the computer database of a public record on a currently
18 available electronic medium for a person if the person agrees:

19 (1) not to make unauthorized copies of the
20 computer database; and

21 (2) to pay a reasonable fee based upon the
22 cost of:

23 (a) materials;

24 (b) making an electronic copy of the
25 computer database; and

underscoring material = new
[bracketed material] = delete

1 (c) personnel time to research and
 2 retrieve the electronic record.

3 F. Subject to any confidentiality provisions of law
 4 or local ordinance, a county or municipality may permit another
 5 federal, state or local government entity access to all or any
 6 portion of a computer database created by the county or
 7 municipality.

8 G. If information contained in a computer database
 9 is searched, manipulated or retrieved or a copy of the database
 10 is made for private or nonpublic use, a fee may be charged by
 11 the county or municipality permitting access or use of the
 12 database.

13 H. Except as authorized by law or local ordinance,
 14 a person who reveals to an unauthorized person information
 15 contained in a computer database or who permits the
 16 unauthorized copying or distribution of any computer database
 17 is guilty of a misdemeanor, and upon conviction, the court
 18 shall sentence that person to jail for a definite term not to
 19 exceed one year or to payment of a fine not to exceed five
 20 thousand dollars (\$5,000), or both."

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